

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Inventor: Victor Grubsky

Serial No. 10/073,425

Filed: 02/11/2002

For: WAVELENGTH SELECTIVE
OPTICAL FIBER COMPONENTS USING
CLADDING-MODE ASSISTED COUPLING

Examiner: Sung H. Pak

Group Art Unit: 2874

Client ID/Matter No. STADM-60980

September 18, 2003

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION
UNDER 37 C.F.R. § 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Sabeus Photonics, Inc., a California corporation having a place of business at 20630 Nordhoff Street, Chatsworth, 91311, is the assignee and owner of 100 percent interest in the instant application, Application No. 10/073,425, filed on February 11, 2002 for WAVELENGTH SELECTIVE OPTIC FIBER COMPONENTS USING CLADDING MODE ASSISTED COUPLING, which was a continuation of Application No. 09/310,295, filed May 12, 1999, now U.S. Patent No. 6,360,038 as recorded on September 14, 2001 at Reel 012170, Frame 0167. The assignment document has been reviewed, and petitioner hereby certifies that, to the best of petitioner's knowledge and belief, title in the instant application, Serial No. 10/073,425, is in petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened

by any terminal disclaimer, of prior Patent No. 6,360,038, issued September 14, 2001, which is also owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

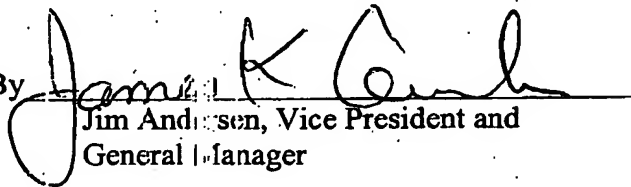
Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

SABEUS PHOTONICS, INC.

Date: 11/19/2003

By


Jim Andersen, Vice President and
General Manager

Enclosure